

EPS-2

October 5, 2005

October 3, 2005

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. **04-9003**

JACK FOSTER OUTTEN

v.

RICK KEARNEY, WARDEN, ET AL.

Jack F. Outten,
Appellant
(D. Delaware Civil No. 98-cv-00785)

Present: RENDELL, AMBRO and FUENTES, Circuit Judges.

Submitted is Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1); in the above-captioned case.

Respectfully,

Clerk

MMW/RL/nmb

ORDER

The foregoing application for a certificate of appealability is denied. The stay previously imposed by the Court is hereby lifted. Appellant's brief, addressing those issues for which a certificate of appealability was granted by the District Court, shall be filed and served within 40 days of the date of this Order.

By the Court,

/s/ Marjorie O. Rendell
Circuit Judge



Marcia M. Waldron

Marcia M. Waldron, Clerk

Dated: October 17, 2005

nmb/cc: John P. Deckers, Esq.
Ricardo Palacio, Esq.

Thomas E. Brown, Esq.